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PATENT
Attorney Docket No.: 281-329.02

Mail Stop: Patent Application, Commissioner for Patents

P. O. Box 1450, Alexandria, VA 22313-1450

On May 8, 2003

WALL MARJAMA & BILINSKI LLP

By: Barbara A. Saltsman
Barbara A. Saltsman

*L. Park
5-16-03
#13/IDS*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ervin Goldfain, et al.

Application No.: 09/862,636

Filed: May 22, 2001

For: Eye Viewing Device Comprising
Eye Piece and Video Capture Optics

Examiner: John R. Sanders, Jr.

Art Unit: 3737

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

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**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97 and §1.98 and
IDENTIFICATION OF COPENDING APPLICATIONS**

Sir:

The attention of the Patent Office is drawn to the following copending application:

Serial No. 10/337,588 (Our Ref: 281-300 Con. 2), filed January 7, 2003

which may contain technical subject matter related to that of the present invention. This identification is not to be construed as a waiver of secrecy as to the cited applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination of the present application.

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REMARKS

Applicants submit in the present Information Disclosure Statement an International Preliminary Examination Report (IPER) prepared by U. S. Patent and Trademark Office Examiner George Manuel, dated February 13, 2003.

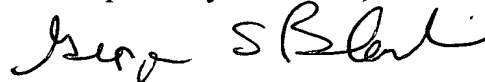
The IPER holds that claims 1-53 of PCT Application No. PCT/US01/16557 corresponding to the present application are not novel. However, applicants would like to point out that in a telephone interview held February 25, 2003 between Applicants' attorney George S. Blasiak and PCT Examiner George Manuel, Examiner Manuel stated that he could not recall whether he based the opinions stated in the IPER on an independent assessment of the references or on the indications of the International Searching Authority in the Notification of Transmittal of The International Search Report or The Declaration dated April 20, 2000, also disclosed herein. PCT Examiner Manuel also indicated that he could not recall whether he read English language versions of the relied upon references JP8317907 and DE19744131. Further, because it provides an indication of the intensity with which the claims of PCT/US01/16557 were examined in the international phase, applicants observe that the submitted IPER is dated February 13, 2003, nearly 33 months after the priority date of PCT/US01/16557 and after the expiration of national phase deadlines relative to the PCT/US01/16557 application. Applicants also observe that the IPER in PCT/US01/16557 was prepared without a prior Written Opinion and without an opportunity to respond to an Opinion.

Further with regard to the Information Disclosure Statement submitted January 24, 2002 by the Applicants, Applicants would like to comment on the indication in the January 24, 2002 Information Disclosure Statement forms that "abstracts" of JP8317907 and DE19744131 were submitted with the Information Disclosure Statement. Applicant's internal records show that full text foreign language versions for JP8317907 and DE19744131 were submitted with the Information Disclosure Statement of January 24, 2002. These full text foreign language versions of JP8317907 and DE19744131 are resubmitted herein. Applicants' attorney did not receive from the PCT Search Authority or any other source English or any other versions of either of JP8317907 and DE19744131. Because Applicants' records indicate that full text versions of JP8317907 and DE19744131 were submitted January 24, 2002, Applicants have determined that the checking of the "abstract" box relative to JP8317907 and DE19744131 in the Information

Disclosure Statement Form submittal of January 24, 2002 is an indication of what sections of the references had been subject to translation, and not an indication of what sections of the references had been submitted.

Please deduct fee for Information Disclosure Statement from, Deposit Account No. 50-0289.

Respectfully submitted,



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